

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee on
Finance (JC-Fi)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ 97hrJC-Fi_Misc_pt189

➤ Record of Comm. Proceedings ... RCP

➤ **

Honorable Representative Scott Jenson - Co-Chair of Joint
Finance Committee
State Capitol Building

Hearing on the Governor's Budget for 1997-99

April 16, 1997

RE: Community Aids and Long-Term Care

THOUGHTS TO PONDER:

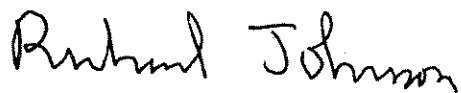
- Is compassion and humanity a thing of the past? Where is the logic in increasing funding for Nursing Homes while freezing and cutting programs that allow people with long term needs to live in the community?
- People with disabilities living in the community create jobs and the money they spend on life's activities goes directly to the community.
- Of course Nursing Homes offer a service to some, but when Wisconsin has the highest number of nursing home beds per capita, why give more dollars to warehouse people in unnatural settings?
- If people with disabilities were their primary concern, wouldn't Nursing Home Companies advocate that people live in the community where they are a part of the community?
- Times have changed since we grew up even just twenty-five years ago. We are no longer hiding and warehousing people who are "different" so they are out of sight and out of mind. We may have different responses, but we all know that all people are people, and they have the right to live in the community of their choice. Our awareness and consciousness has changed, and now our attitude needs to change to reflect our new understanding that- whatever someone's circumstance, he or she has the right to "life, liberty, and the pursuit of happiness."
- **REMEMBER, all of us are one drunk driver away from the following scenario: In the middle of your long spinal cord injury rehabilitation your insurance runs out; your HMO informs you that you have used up your hospital days; you then use up your savings, and then you discover that there are hundreds of people on waiting lists ahead of you for Community Aids Programs- *SO WHAT DO YOU DO?* Your choice is to move into a shared room in a Nursing home, where your daily routine is decided by staff and professionals other than yourself? (Idea: GO EXPLORE a Nursing Home!)**
- The Community Integration Program (CIP), and the Community Option Programs (COP), are already in place and provide people a means to live in the community in a fiscally sound manner.

- COMMUNITY PROGRAMS ARE ABOUT PEOPLE!

If my words jar you, so much the better, for only when you have a personal sense, or connection to these issues do you begin to see life's reality for people with disabilities. Do you honestly think that the lobbyists in dress suits understand the situation of people with disabilities trying to survive while on waiting lists? Do you think any of them ever had to make a decision to alternate months on whether to buy food or one's prescriptions because they can't move off the waiting list into the CIP or COP programs?

If you would like to discuss any of these ideas or thoughts further, please contact me.

Respectfully submitted,

A handwritten signature in cursive script that reads "Richard Johnson".

Richard Johnson
922 East Mifflin Street
Madison, WI 53703

Affiliated with the National Education Association

**JOINT FINANCE COMMITTEE TESTIMONY
REGARDING 1997-99 BIENNIAL BUDGET (AB 100/SB 77)
BY
TERRY CRANEY, PRESIDENT
WISCONSIN EDUCATION ASSOCIATION COUNCIL
WEDNESDAY, APRIL 16, 1997**

MY NAME IS TERRY CRANEY, I AM THE PRESIDENT OF THE WISCONSIN EDUCATION ASSOCIATION COUNCIL. I WOULD LIKE TO THANK CO-CHAIRPERSONS BURKE AND JENSEN AND MEMBERS OF THE JOINT FINANCE COMMITTEE FOR PROVIDING THIS OPPORTUNITY TO COMMENT ON THE GOVERNOR'S BUDGET BILL (AB 100/SB 77).

BUDGETS ARE BLUEPRINTS THAT CREATE A FRAMEWORK FOR STATE GOVERNMENT. OVER A YEAR AGO WEAC TOOK THE LEAD AND DEVELOPED A BLUEPRINT FOR PUBLIC EDUCATION. THAT BLUEPRINT IS OUR LEGISLATIVE AGENDA. OUR MEMBERS, THE TEACHERS AND SUPPORT PERSONNEL IN YOUR PUBLIC SCHOOLS, PROVIDED THEIR EXPERIENCE AND KNOWLEDGE TO DEVELOP THESE PROPOSALS.

WEAC OFFERS INITIATIVES TO IMPROVE SCHOOLS SUCH AS PARENTAL AND FAMILY INVOLVEMENT, SCHOOL SAFETY AND DISCIPLINE, PROFESSIONAL STANDARDS FOR TEACHERS, AND REDUCING CLASS SIZE, AMONG OTHERS. ANY DISCUSSION OF EDUCATION IMPROVEMENT MUST ALSO INCLUDE THESE IMPORTANT ISSUES.

THE GOVERNOR HAS OFFERED A PLAN THAT FALLS SHORT OF A COMPLETE VISION FOR PUBLIC SCHOOLS IN WISCONSIN. HE DID INCORPORATE ONE OF OUR ISSUES IN THE BUDGET, EDUCATION TECHNOLOGY, WHICH IS ONE OF THE ISSUES I WOULD LIKE TO COMMENT ON IN ADDITION TO THE BUDGET'S TREATMENT OF OTHER EDUCATIONAL SUPPORT PROGRAMS.

EDUCATION AND TECHNOLOGY:

- WEAC APPLAUDS THE GOVERNOR'S RECOGNITION OF THE IMPORTANCE OF PROVIDING ACCESS TO TECHNOLOGY FOR WISCONSIN'S CHILDREN. WE ALSO NOTE THAT MUCH OF THE GOVERNOR'S PLAN IS IMPLEMENTED THROUGH FUNDING THAT IS OUTSIDE OF THE SCHOOL DISTRICT REVENUE CONTROLS. WEAC'S LEGISLATIVE AGENDA ALSO RECOMMENDS THIS EXEMPTION.
- THE ISSUES OF CONCERN WITH TEACH ARE WHETHER IT IS NECESSARY TO ESTABLISH A NEW STATE BUREAUCRACY, THE TEACH AGENCY, TO ADMINISTER TECHNOLOGY PROGRAMS, THE COUNTING OF UNIVERSAL SERVICE FUND APPROPRIATIONS TOWARD THE TWO-THIRDS FUNDING OF SCHOOL OPERATIONS AND MAKING SURE THAT THE COMMON SCHOOL FUND REMAINS VIABLE FOR THE FUNDING OF LIBRARIES.
- WEAC EMPHASIZES THE IMPORTANCE OF RESOURCES FOR TRAINING TEACHERS AND STAFF. WEAC APPLAUDS THE PROVISION OF BLOCK GRANTS TO SCHOOL DISTRICTS FOR THE PURCHASE AND MAINTENANCE OF COMPUTER HARDWARE AND SOFTWARE AND GRANTS TO CESA DISTRICTS TO PROVIDE TECHNICAL AND TRAINING ASSISTANCE. IT IS ESSENTIAL THAT EDUCATORS KNOW HOW TO USE NEW TECHNOLOGIES IN THE CLASSROOM. BUT WE CAUTION THAT TECHNOLOGY IS ANOTHER VERY IMPORTANT TOOL IN A TEACHERS TOOL BOX. DISTANCE LEARNING IS ALSO AN IMPORTANT PART OF EDUCATION TECHNOLOGY, BUT EDUCATION IS MORE THAN A TALKING HEAD ON A T.V. MONITOR.

ADDITIONAL ISSUES IN EDUCATION:

NOW LET ME MOVE TO SOME EDUCATION PROPOSALS THAT WEAC FEELS ARE MISSING RELATIVE TO INNOVATION IN EDUCATION.

- IMPROVING SCHOOL SAFETY, DISCIPLINE AND CLASSROOM CONTROL IS AN ISSUE WE BELIEVE MUST BE ADDRESSED. ALL CHILDREN HAVE A RIGHT TO LEARN IN A SAFE AND PRODUCTIVE CLASSROOM. WEAC BELIEVES THAT THE TEACHER SHOULD HAVE THE RIGHT TO DISMISS FROM THE CLASSROOM AN UNRULY, DANGEROUS OR DISRUPTIVE STUDENT, WITH READMITTANCE ONLY AFTER A PARENT CONFERENCE AND WITH THE CONSENT OF THE TEACHER.
- REDUCING CLASS SIZE IN GRADES K-3. WEAC BELIEVES AND RESEARCH CONFIRMS THAT ONE OF THE MOST POSITIVE EFFECTS ON STUDENT LEARNING OCCURS WHEN CLASS SIZE IS REDUCED IN GRADES K-3. THIS CLASS SIZE REDUCTION HAS A LONG LASTING EFFECT THROUGHOUT THE STUDENT'S EDUCATION CAREER. THE GOVERNOR HAS FAILED TO LIVE UP TO THE COMMITMENT TO THE SAGE PROGRAM. WEAC SUPPORTS CONTINUED FUNDING AND EXPANSION OF THIS INNOVATIVE PROGRAM TO LOWER CLASS SIZE IN NEEDY SCHOOLS.
- DEVELOPING PERFORMANCE ASSESSMENTS IN GRADES 4, 8 AND 10. WHILE THE GOVERNOR HAS PROPOSED A HIGH STAKES EXIT EXAM FOR HIGH SCHOOL STUDENTS, WE BELIEVE THE EXAM IS ONLY ONE PIECE OF THE PUZZLE. WE URGE THE RESTORATION OF PERFORMANCE ASSESSMENTS WHOSE FUNDING WAS ELIMINATED FROM THE LAST BUDGET. FURTHER, THESE TESTS ALLOW FOR THE LOCAL SCHOOL DISTRICTS AND TEACHERS TO EVALUATE TEACHING AND LEARNING AND MAKE ADJUSTMENTS AND IMPROVEMENTS IN INSTRUCTION.
- MODIFICATIONS OR REPEAL OF THE QUALIFIED ECONOMIC OFFER LAW. THE CURRENT QEO LAW: UNFAIRLY RESTRICTS COMPENSATION AND CREATES CONFLICT IN THE BARGAINING PROCESS BY REMOVING LOCAL CONTROL OVER LABOR MANAGEMENT RELATIONS; CREATES AN UNLEVEL PLAYING FIELD AT THE COLLECTIVE BARGAINING TABLE; EXACERBATES THE CURRENT TEACHER SALARY INEQUITIES BETWEEN SCHOOL DISTRICTS; UNFAIRLY PENALIZES CERTIFIED EDUCATION EMPLOYEES OVER ALL OTHER PUBLIC EMPLOYEES AND HAS A DRASTIC IMPACT ON THE LIFE-LONG PENSION BENEFITS OF RETIRING EDUCATION PROFESSIONALS.

- MODIFICATION OF THE STATE IMPOSED SCHOOL DISTRICT REVENUE CONTROLS. SCHOOL DISTRICT REVENUE CONTROLS: SUBSTANTIALLY LIMIT THE AUTHORITY OF LOCAL SCHOOL BOARDS TO RAISE AND SPEND FUNDS TO PROVIDE AN EQUAL, COMPETITIVE EDUCATION TO STUDENTS; EXACERBATE THE PER PUPIL SPENDING DISPARITIES AMONG DISTRICTS; INHIBIT THE ABILITY OF LOCAL DISTRICTS TO BUILD AND MAINTAIN ADEQUATE FACILITIES AND ARE UNFAIRLY IMPOSED ON SCHOOL DISTRICTS IN THAT NO OTHER UNITS OF GOVERNMENT MUST ABIDE BY SUCH CONTROLS.

FINALLY LET ME COMMENT ON A NUMBER OF ITEMS THAT ARE IN THE GOVERNOR'S BUDGET.

AGENCY TRANSFERS:

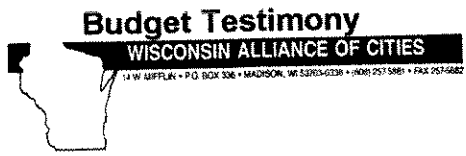
- WEAC IS TROUBLED BY THE TRANSFER OF MANY EDUCATIONAL SUPPORT POSITIONS FROM DPI AND THE WTCS TO OTHER AGENCIES. THE TRANSFER OF PROGRAMS SUCH AS ALCOHOL AND OTHER DRUG ABUSE, THE FAMILY AND SCHOOLS TOGETHER, AND ALL SCHOOL-TO-WORK PROGRAMS ARE PROPOSED IN THE NAME OF EFFICIENCY. WE CAUTION THAT THIS STRATEGY COULD LEAD TO A CRUMBLING OF QUALITY OF SERVICES TO SCHOOLS AND CHILDREN.

MODIFICATIONS TO CHARTER SCHOOL LAW:

- CHARTER SCHOOLS PROVIDE SCHOOL DISTRICTS WITH A UNIQUE OPPORTUNITY TO ESTABLISH INNOVATIVE PROGRAMS IN WISCONSIN'S PUBLIC SCHOOLS. WEAC BELIEVES THAT PUBLIC SCHOOL EMPLOYEES SHOULD BE FULL PARTNERS IN THE ESTABLISHMENT AND IMPLEMENTATION OF CHARTER SCHOOLS IN WISCONSIN. SB 77/AB 100 CONTAIN PROVISIONS THAT ATTEMPT TO BREAK DOWN THIS PARTNERSHIP. CURRENTLY, CHARTER SCHOOLS CAN BE ESTABLISHED THROUGH A PETITION PROCESS OR SCHOOL BOARD INITIATIVE. SB 77/AB100 REPEALS THE PROVISION THAT REQUIRES THOSE PETITIONING TO ESTABLISH A CHARTER SCHOOL, TO OBTAIN THE SIGNATURES OF AT LEAST 10% OF THE TEACHERS EMPLOYED BY THE SCHOOL DISTRICT OR BY AT LEAST 50% OF THE TEACHERS EMPLOYED AT ONE SCHOOL IN THE DISTRICT. THIS CUTS PUBLIC SCHOOL EMPLOYEES OUT OF THE PROCESS FOR ESTABLISHING CHARTER SCHOOLS.

- PUBLIC SCHOOL EMPLOYEES SHOULD NOT BE FORCED TO SACRIFICE THEIR COLLECTIVE BARGAINING RIGHTS AND THEIR PARTICIPATION IN THE WISCONSIN RETIREMENT SYSTEM IN ORDER TO PARTICIPATE IN THE ESTABLISHMENT OF A CHARTER SCHOOL. WEAC URGES THE JOINT FINANCE COMMITTEE AND LEGISLATURE TO REPEAL PROVISIONS OF THE CHARTER LAW THAT PROHIBIT CHARTER SCHOOLS IN MILWAUKEE PUBLIC SCHOOLS FROM BEING INSTRUMENTALITIES OF THE DISTRICT. ANOTHER OBSTACLE TO PUBLIC SCHOOL EMPLOYEE PARTICIPATION IN CHARTER SCHOOL DEVELOPMENT IS THE LANGUAGE THAT MAKES CHARTERS SCHOOLS IN THE MPS A PROHIBITED SUBJECT OF BARGAINING. THIS LANGUAGE PREVENTS COOPERATION BETWEEN LABOR AND MANAGEMENT IN THE CREATION OF CHARTER SCHOOLS IN MILWAUKEE.
- WEAC SUPPORTS PROVISIONS IN CURRENT LAW THAT INSURE A REVIEW OF CHARTER SCHOOL CONTRACTS AT LEAST EVERY FIVE YEARS AS AN IMPORTANT MEASURE OF ACCOUNTABILITY. WE URGE THE JOINT FINANCE COMMITTEE AND LEGISLATURE TO DELETE THE GOVERNOR'S REPEAL OF THIS MEASURE OF ACCOUNTABILITY.
- WEAC IS OPPOSED TO AUTHORIZING THE COMMON COUNCIL OF THE CITY OF MILWAUKEE, THE CHANCELLOR OF THE UNIVERSITY OF WISCONSIN-MILWAUKEE AND THE MILWAUKEE AREA TECHNICAL COLLEGE DISTRICT BOARD TO OPERATE, OR CONTRACT WITH A GROUP OR INDIVIDUAL TO OPERATE, A CHARTER SCHOOL. THE AUTHORITY SHOULD REMAIN WITH THE LOCAL SCHOOL BOARD.
- LOCAL SCHOOL BOARDS ARE RESPONSIBLE TO LOCAL TAXPAYERS FOR SPENDING ON K-12 SCHOOL PROGRAMS. A PERIODIC REVIEW OF CHARTER SCHOOL CONTRACTS ENSURES THAT TAXPAYERS ARE GETTING THEIR MONEY'S WORTH. UNDER CURRENT LAW, LOCAL SCHOOL DISTRICTS ARE RESPONSIBLE FOR ENSURING THAT CHARTER SCHOOLS ARE HELD ACCOUNTABLE IN THREE MAJOR AREAS: STUDENT PERFORMANCE, FISCAL MANAGEMENT AND ADHERENCE TO THEIR CONTRACT AND THE CHARTER SCHOOL LAW. THE CHARTER SCHOOL CONTRACT MUST CLEARLY STATE THE SCHOOL'S CURRICULAR GOALS, METHODOLOGY, AND MEANS OF ASSESSING STUDENT PERFORMANCE. THE LOCAL SCHOOL BOARD IS THE APPROPRIATE ENTITY TO EVALUATE THESE CONTRACT PROVISIONS.
- THE JOINT FINANCE COMMITTEE SHOULD REMOVE ALL OF THE CHARTER SCHOOL PROVISIONS FROM THE BUDGET AND REFER THEM AS SEPARATE BILLS TO THE ASSEMBLY AND SENATE EDUCATION COMMITTEES.

SPEAK WITH YOU TODAY.



Crawford/Nenonen Joint Finance testimony

April 16, 1997

Honorable co-chairs and members, my name is Kevin Crawford. I am the mayor of Manitowoc, a city with a population of about 34,000, representing about 13,000 Wisconsin families.

With me today is Steve Nenonen, city manager of Fond du Lac, a city of about 38,000 people. We are the president and vice-president, respectively, of the Wisconsin Alliance of Cities, and represent 31 state cities with a population totaling more than two million . . . all our common constituents.

We ask you to consider the needs of all urban families and all local governments as you act on this state budget.

We understand that schools have first draw on new state GPR. But we ask you to understand too that by the end of the coming biennium, shared revenues will have been frozen for five consecutive years — and the Expenditure Restraint Program will have been frozen for five consecutive years. In addition, general transportation aids as well have been virtually frozen for all cities.

(continued)

Crawford/Nenonen add 1

Under these limitations in the redistribution of local taxpayer contributions to the state, how can cities make the investments in infrastructure and operations necessary to keep families and local economies — and therefore the entire state — healthy without raising taxes . . . making “schools off the property tax” only a tax shift instead of a real tax cut?

Transportation aids help communities provide the infrastructure necessary to move people from their homes to their jobs — and goods from factory to market. They provide transportation for the blind and the disabled as well as for people who can drive.

Unfortunately, these aids cover much less of the cost of local transportation needs than school aids cover of school costs. At current funding levels, less than 20 percent of local road and street costs are covered by state transportation aids. Our communities have many millions of dollars worth of badly needed projects on the drawing boards.

(continued)

Crawford/Nenonen add 2

Therefore we respectfully ask that the budget include a statutory increase in general transportation aids to 41.7% of state user fee revenues for 1998 and to 43.7% of state user fee revenues for 1999. We further seek language establishing an intent to increase the local percentage by two percentage points every year until 2010.

On other issues, we ask the legislature either to find a new revenue source for recycling grants at no less than the \$24 million annual level recommended by the Legislative Council committee chaired by Senator Decker, or end the mandate that bans certain materials from landfills.


If a new funding source cannot be found for recycling, we prefer the recycling fund surplus be used to fund recycling for another year rather than for the Brownfields proposal contained in the budget.

We do support the proposed statutory changes that would enhance remediation of Brownfields, but we oppose provisions that would place greater liability and uncertainty on municipal involvement in Brownfields.

(continued)

Crawford/Nenonen add 3

On the budget's premier resort provision, we agree that many communities need an alternative method to finance services provided to visitors and commuters. Therefore, we support Assembly Speaker Ben Brancel's effort to find a consensus system to enable communities to recoup some of the cost of providing services to transient populations, whether tourists or commuters. If you have any questions, Steve and I would be happy to try to answer them. Thank you very much for hearing us today.



RECYCLING: Because the governor favors ending the business tax and is using recycling revenue for Brownfields, **we ask the Joint Finance Committee either to find a new revenue source for recycling grants at no less than the \$24 million annual level** recommended by the Legislative Council's Special Committee on the Future of Recycling, **or end the mandate** that bans certain materials from landfills.

BROWNFIELDS: Because the proposed program would earmark money to seven projects in communities under 30,000 population, **we cannot be assured there will be any money for larger cities. If a new funding source cannot be found for recycling, we prefer the recycling fund surplus be used to fund recycling** for another year rather than for the brownfields proposal.

Otherwise, we **support** statutory changes that would enhance remediation of brownfields, but **oppose** provisions that would discourage brownfield redevelopment. For example, we:

- **Support** extending immunity from civil liability for hazardous substance releases to property obtained through tax delinquency proceedings.
- **Support** expanded use of allocation system for assigning cleanup costs to responsible parties.
- **Support** Environmental TIDs, which apply to property owned by a political subdivision at the time of remediation (including towns and counties) and can't be part of TIF created under current law. Similar to regular TIF.
- **Strongly support** Development Zones Tax Credits, a new, consolidated credit based on amounts spent on environmental remediation and number of full-time jobs created or retained. The intent is that the environmental remediation component equal 50% of credit.
- **Support** CDBG priority for Brownfields redevelopment.
- **Support** grant priority criteria outlined by DOA: 50% to economic development potential, 25% to environmental priority with lesser amounts for applicant support and innovation.
- **Support** other funding changes:
 - Municipal Brownfields Environmental Assessment Program - environmental assessments to determine the extent of contamination, technical guidance. (\$ environmental fund)
 - Brownfields Redevelopment Assistance Team
 - Information Streamlining & Efficiency Project - improve and streamline the data system.
 - Environmental Repair Remediation Bonding - provides \$15.5 million in general obligation bonding to conduct remedial action.
- **Oppose** removing exemptions from hazardous spill law for discharges from underground tanks on tax-delinquent contaminated lands and providing DNR with new oversight over such lands, both of which could impose major costs on local governments.
- **Oppose** singling out municipal waste landfills as ineligible for an exemption from further liability after a cleanup.



Boardman, Suhr, Curry & Field
ATTORNEYS AT LAW

410 Firststar Plaza
One South Pinckney Street
P.O. Box 927
Madison, WI 53701-0927
Telephone (608) 257-9521
Facsimile (608) 283-1709

WALTER KUHLMANN
Direct Dial Number (608) 283-1762
E-mail: wkuhlma@bscf.com

March 4, 1997

VIA HAND-DELIVERY

Mr. Mark C. Patronskey
Senior Staff Attorney
Wisconsin Legislative Council
One East Main Street, Suite 401
P.O. Box 2536
Madison, WI 53701-2536

Re: Nonpoint Source Water Pollution Issues

Dear Mark:

At the last meeting of the *ad hoc* group discussing nonpoint issues, I was assigned the task of commenting on the Governor's budget provisions related to the nonpoint issue. Part A of this letter contains those comments.

Also at the last meeting, we received a handout dated February 5, 1997 entitled "Critical Sites Proposal" which I understood to be the joint workproduct of Dave Jelinski, Adam Payne and Roger Cliff. Part B of this letter has my comments on that document.

Dave Jelinski had handed out an outline dated January 28, 1997 entitled "Nutrient Management Program." Part C of this letter has my comments on that document.

A. Governor's Budget Provisions Related to the Nonpoint Issue.

In general, I think the budget bill as presently constituted has a number of constructive provisions, but could be improved from my perspective in a few points. In particular:



Mr. Mark C. Patronsky

March 4, 1997

Page 2

1. I agree with the linkage of future priority watershed selections to the § 303(d) list. While the proposed language only requires "consideration" of the § 303(d) list, I would not favor a lockstep relationship, at least at this point in the infancy of a meaningful § 303(d) list for Wisconsin.
2. The proposed change to § 281.65(4c), Stats., which would create a new scoring system is generally a good one, in my view, but could perhaps be slightly improved by the following modifications:
 - (a) In sub. (d)(4), I would add to the criterion of "local interest in and commitment to the project" the language: "including whether written commitments have been made by potential funding partners."
 - (b) I would add an additional criterion: "6. Consistency of the project with a basin or watershed plan, if one exists, which has been approved by the department." While this may not be a criterion which is utilized immediately, we should provide for the eventuality of such plans, and recognize that when they exist, such consistency will be important. Further, by including this criterion at this point, we may add an incentive to adopt such plans, as it will enhance a project's score.
 - (c) I would not give the LWCB unchecked authority to modify the scoring system proposed by the department, as I read sub. (4c)(e). I would prefer that the scoring system is one that must be acceptable to both the DNR and the LWCB.
3. Not surprisingly, I like newly proposed § 283.84, Stats. I would alter the language slightly on lines 6 and 7 of the draft to strike a few words, thusly:

A pilot project may authorize a person required to obtain a permit to ~~increase the discharge of~~ pollutants above levels that would otherwise be authorized in the permit



Boardman, Suhr, Curry & Field

Mr. Mark C. Patronskey
March 4, 1997
Page 3

My reasoning is that the "increase" language sounds as if we are statutorily making an exception to anti-backsliding (Clean Water Act) and anti-degradation (Ch. NR 207, Wis. Adm. Code) concepts. This will run into concerns at U.S. EPA, and also perhaps cause confusion at DNR as to application of the anti-degradation rules. Also, environmental groups will see this as a proposal that trading will lead to increased discharges at point sources. I don't think point sources are looking to increase discharges over current levels, but are concerned that they not be required to make further reductions below current levels, which are not cost-effective when compared to potential nonpoint reductions. I think it is enough to provide that point sources may be permitted to discharge at levels that are higher than might otherwise be required in the absence of the pilot nonpoint efforts.

B. "Critical Sites Proposal" dated February 5, 1997.

My concerns with and comments on the 2/5/97 draft are as follows:

1. The "guiding principle" relating to splitting authority between DNR and the counties at 1000 animal units does not comport with the appropriate scope of DNR authority under the Clean Water Act rules relating to concentrated animal feeding operations (CAFOs). See companion letter on this issue of this same date.
2. On the CAFO issue, I think we should:
 - comply with the Clean Water Act;
 - keep the final decision about whether a party needs a CAFO permit in the hands of the DNR;
 - provide for a notice from DNR to the applicable county advising of the facts triggering a CAFO permit requirement, and then provide for a period (say, 6 months), in which the county can "cure" the



Boardman, Suhr, Curry & Field

Mr. Mark C. Patronskey
March 4, 1997
Page 4

need for the permit by working with the farmer. If fully addressed, or a compliance schedule is put in place for constructing a fix, or completing some other work plan, then the DNR would not issue the permit.

This approach could have the county land conservation staff actually addressing most of the problems without the need for ever actually issuing a permit. However, the potential for the permit is a great motivator for the farmer and the county staff.

3. I agree with the concept of developing one procedure for addressing animal waste, nutrient runoff problems, and sediment delivery violations. This seems to eliminate the current animal waste exemption from the notion of critical sites, and this false distinction should be removed.
4. I am not sure what "parallel procedures" for urban critical sites means. On page 1 of the proposal, it seems clear that "Municipalities are responsible for regulating all urban critical sites." But then on page 4, the second paragraph indicates that DNR would work with cities and villages *and the county* to develop a parallel system for urban critical sites. I do not anticipate municipal support for a program in which county land conservation staff are involved in managing and enforcing compliance as to urban critical sites. Their involvement is appropriate in unincorporated areas, but urban critical sites should be policed by ordinance enforced by a utility or public works official in the city, and ultimately prosecuted by the city or village attorney. If this is "parallel," then this concept should not be a problem.
5. Under the "standards" discussion on page 2 of the outline, it is not clear whether it is intended that the "4 prohibitions" only apply to critical sites. It was my understanding that they should apply to any farm which had operations covered by the rules which were sited within 300 feet of a navigable water (so-called "Water Quality Management Areas").

Mr. Mark C. Patronskey

March 4, 1997

Page 5

6. Another issue with the standards is that it is proposed that they "would apply uniformly throughout the state." Basin teams must be free to consider additional practices as part of basin plans. I recall that Roger Cliff has indicated a desire that counties be barred from enacting practices more extensive or stringent than the 4 prohibitions. Such a provision would lock us into these minimal prohibited practices as the only BMPs that can be undertaken in any basin. Municipalities oppose such a very low ceiling on performance from the agricultural sector over the long run.
7. The additional two standards beyond the "4 prohibitions" are either cropland sediment delivery or nutrient runoff that "severely degrades water quality." This is too high a bar to clear. It means that even if a farm does significantly degrade water quality, it is not enough to be covered by this program, because there must be a showing that it is severe. The appropriate standard should be "significant contribution." (Note that even the much-maligned CWA CAFO rules use a case-by-case standard of "significant contributor.")
8. Under the heading of "state guidance," it indicates that "designated state agencies would assume responsibility for enforcing the critical sites program in the event that local government does not wish to do so. Which state agencies? In what roles? How might "local government" (which I assume means counties as to the rural component of this proposal) administer these, and under what conditions would that authority revert to the state?
9. At the top of page 3, I think it would help build trust all around if the initial rulemaking on this program specifically had to involve formal approval (sign-off), from both DNR and DATCP.
10. In the "Administration" discussion on page 3, I like the linkage to approval from the DNR basin teams in point 2. This is a critical component of any critical site program. As I have said before, without this linkage, it will be impossible for point sources to get "credit" for these activities that can be viewed cumulatively by DNR when considering appropriate point source effluent limits, and without that cumulative analysis by DNR, there is no

Mr. Mark C. Patronskey

March 4, 1997

Page 6

reason for point sources to participate in partnership funding of any aspect of the nonpoint program.

11. In the "Administration" discussion on page 3, point 4 describes an appeal process to the LCC. I would much prefer if this appeal process were confined to issues not related to water quality impacts which should remain in the purview of the DNR. In most discussion of the respective roles for DNR and LCCs, it seems agreeable that DNR is the arbiter of water quality standards and impacts. This should be spelled out. That would leave the LCC to determine whether the 4 prohibitions, as actual practices, were being violated, and whether there was in fact cropland sediment delivery or nutrient runoff going into the waters of the state. However, the DNR should be the arbiter of whether water quality is being degraded, and if so, to what extent. That is not an appropriate role for the LCCs.
12. In the "Funding" section on page 4, first bullet point, why are we talking about "incentives" for doing critical site work? Aren't these requirements mandatory? I understand cost-sharing is necessary, but the mention of incentives here, and at the top of page 3 is confusing.
13. I have not had time to compare the funding proposal in this document to the LWCB "Re-designing Nonpoint" report from December, 1996. In general, funding levels and responsibility is less of a concern to me than it seems to be to DNR, DATCP or the counties. I would like to have counties have sufficient funds to do something meaningful in this area, but am less concerned about turf issues regarding who controls the funds. However, I do think any statutory changes or new administrative rules should make clear that the authority for this reverts from the counties to the state level if a county fails to meaningfully implement the program, and I think it is important to have both state agencies involved in judging when that has occurred.



Boardman, Suhr, Curry & Field

Mr. Mark C. Patronsky

March 4, 1997

Page 7

C. "Nutrient Management Program" dated January 28, 1997.

1. I have compared Dave Jelinski's outline to the Pennsylvania statutes I handed out at a prior meeting. I think Dave's proposal falls short in a number of respects:
 - The 1/28/97 outline does not seem to be mandatory except for facilities over 1000 and where state cost share dollars are sought by the facility. The CAFO concept of merely over 1000 animal units is too narrow, and it strikes me that hanging this on a cost share program adds a disincentive to that program. The nutrient management program should be mandatory for some classes of farms. For example, we could require nutrient management plans for farms:
 - over a particular size; or
 - with land to which nutrients are applied which is located within 300 feet of a navigable water.
 - The 1/28/97 outline has no certification program so we are sure that the nutrient management plans are of adequate quality. The proposed "Quality Assurance Team" looks to be a spot-checking device. Why not require qualifications to prepare these plans? Won't co-ops get into the business of offering services like this rather than only offering products?
 - The outline does not seem to have time deadlines for submitting plans, or a specific filing requirement, with a follow-up requirement for approval by a state or county office (again the approvals should be done by qualified people).
 - Pennsylvania imposes civil penalties for not complying with the plan filing requirements.



Mr. Mark C. Patronskey
March 4, 1997
Page 8

2. In the cross-compliance section, it seems that Dave is suggesting that the nutrient management standards and 4 prohibitions would be included in the farmland preservation program. Again, this could be a disincentive for that program. These provisions should apply based on likely impact on water quality, not whether a farmer chooses to volunteer for an unrelated (to water quality) program.
3. I do not have serious concerns with much of the detail about education or budget. I think the fundamental question is whether we want a very small foot in the door of nutrient management, as I view the 1/28/97 outline, or whether Wisconsin should do at least as well as Pennsylvania in protecting its surface waters from poor nutrient management practices.

I have been told repeatedly that poor nutrient management is a waste of money for farmers, and that if they had proper consultation on better practices and loading rates etc., this would be beneficial to them in the long run from purely an on-farm profitability standpoint (i.e., excluding the externalities associated with water quality impacts). If this is true, why are we so reluctant to get this program up to a meaningful level?

In addition to my comments on these specific topics, I would like to make sure that our group continues to be mindful of the other pieces in this overall issue, including the hardship issue that Roger Cliff was going to be looking at, a clearer specification of roles for the parties, and from my perspective at least, the additional points raised in my February 13, 1997 outline distributed to the group. We should agree on how basin teams fit into the picture (and whether that needs to be spelled out in legislation or rules), that DNR must approve basin team work and related trades, TMDLs etc., whether there is going to be any component of this program to offer property tax relief for riparian area stewardship, a clear delineation of what water quality issues fall under county jurisdiction (rather than loose "water quality priority setting" language which confounds the current point source program realities, incentives for joint watershed activities, and so on.

I do not want these other aspects of an overall program to quietly be forgotten. If the group ultimately decides that it is too ambitious or controversial to pursue some of



Boardman, Suhr, Curry & Field

Mr. Mark C. Patronskey
March 4, 1997
Page 9

these ideas now, we should have some understanding of when and why we abandoned that aspect of the work.

Please call if you have questions about this letter.

Very truly yours,

BOARDMAN, SUHR, CURRY & FIELD

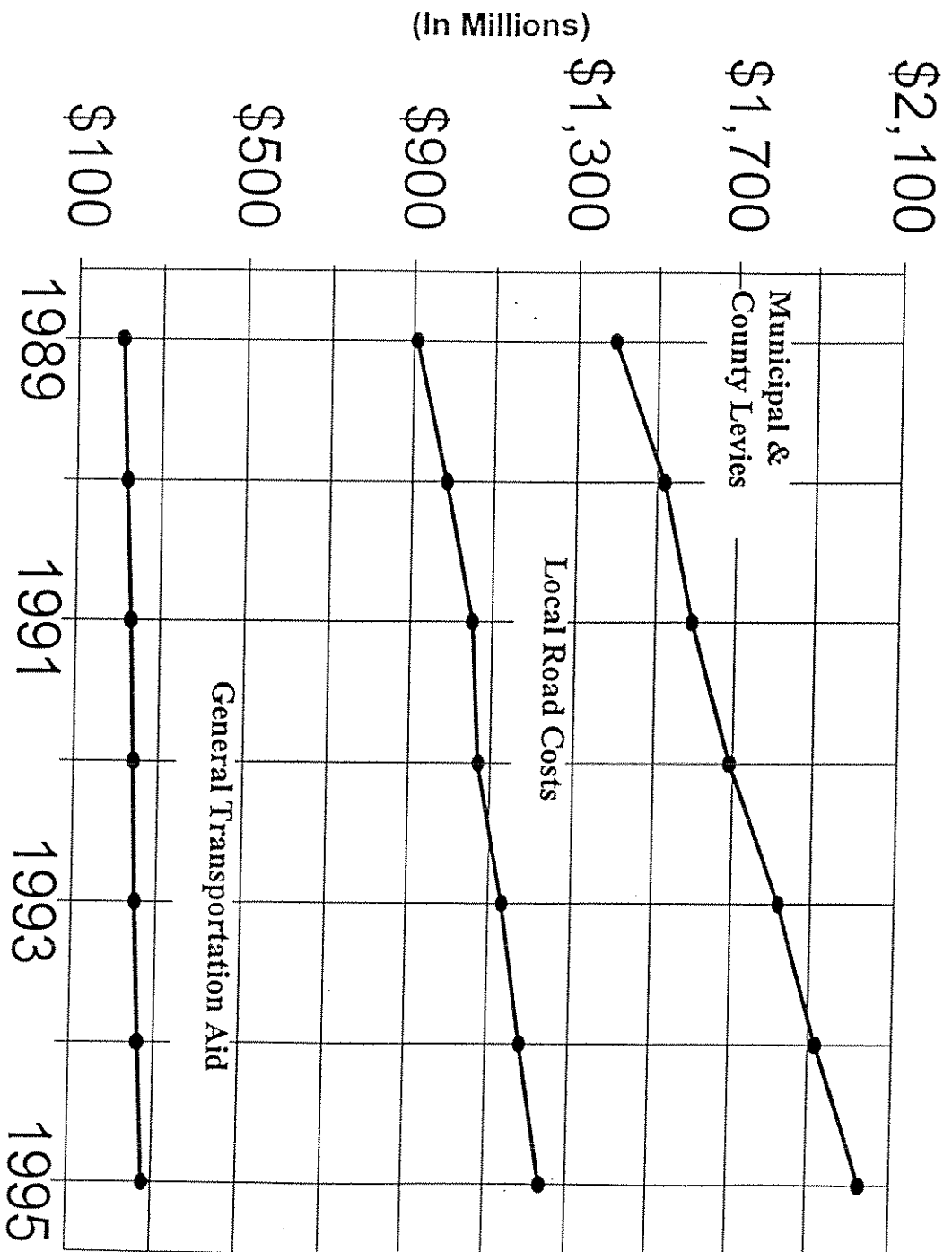
By

A handwritten signature in dark ink, appearing to read 'Walter Kuhlmann', written over a horizontal line.

Walter Kuhlmann

cc: Sen. Brian Burke
Rep. DuWayne Johnsrud
Tom Liebe
Barry Ashenfelter
Bruce Baker, DNR AD/5
Dave Jelinski, DATCP
Adam Payne, WLWCA
Ed Wilusz, WI Paper Council
Bill O'Connor, Wheeler law firm (for WI Lakes Association)
Roger Cliff, WI Farm Bureau
Ron Kuehn, DeWitt Ross & Stevens (for Pork Producers)
Keith Reopelle, Decade
Steve Born, UW
Ed Huck, WI Alliance of Cities
Dan Thompson, League of WI Municipalities
MEG Wastewater Steering Committee

Municipal & County Levies, Road Costs and Local Road Aid



PROPOSAL TO INCREASE FUNDING FOR LOCAL TRANSPORTATION AIDS & ASSISTANCE TO 65% OF MOTOR-VEHICLE RELATED USER FEES

AMOUNTS HAVE BEEN REVISED BASED ON LFB MEMO OF 2-6-97
(Amounts are in Millions)

FISCAL YEAR	TRANSPORTATION USER FEES STATE SEG FUNDS*		LOCAL AIDS & ASSISTANCE CURRENT SHARE**			LOCAL AIDS & ASSISTANCE 65% PROPOSAL**			INCREASED AID UNDER PROPOSAL
	AMOUNT	% CHG	AMOUNT	% CHG	% OF USER FEES	AMOUNT	% CHG	% OF USER FEES	
1989	716.9	-	271.0	-	37.8%	271.0	-	37.8%	0
1990	738.6	3.0%	289.8	6.9%	39.2%	289.8	6.9%	39.2%	0
1991	751.4	1.7%	304.8	5.2%	40.6%	304.8	5.2%	40.6%	0
1992	836.3	11.3%	324.2	6.4%	38.8%	324.2	6.4%	38.8%	0
1993	869.4	4.0%	334.9	3.3%	38.5%	334.9	3.3%	38.5%	0
1994	927.1	6.6%	361.1	7.8%	38.9%	361.1	7.8%	38.9%	0
1995	955.6	3.1%	376.5	4.3%	39.4%	376.5	4.3%	39.4%	0
1996	984.8	3.1%	392.9	4.4%	39.9%	392.9	4.4%	39.9%	0
1997	1,014.1	3.0%	402.9	2.5%	39.7%	402.9	2.5%	39.7%	0
1998	1,044.5	3.0%	415.0	3.0%	39.7%	435.9	8.2%	41.7%	20.9
1999	1,075.9	3.0%	427.5	3.0%	39.7%	470.5	7.9%	43.7%	43.0
2000	1,108.1	3.0%	440.2	3.0%	39.7%	506.7	7.7%	45.7%	66.5
2001	1,141.4	3.0%	453.5	3.0%	39.7%	544.8	7.5%	47.7%	91.3
2002	1,175.6	3.0%	467.1	3.0%	39.7%	584.6	7.3%	49.7%	117.6
2003	1,210.9	3.0%	481.1	3.0%	39.7%	626.4	7.1%	51.7%	145.3
2004	1,247.2	3.0%	495.5	3.0%	39.7%	670.1	7.0%	53.7%	174.6
2005	1,284.6	3.0%	510.4	3.0%	39.7%	715.9	6.8%	55.7%	205.5
2006	1,323.2	3.0%	525.7	3.0%	39.7%	763.9	6.7%	57.7%	238.2
2007	1,362.9	3.0%	541.5	3.0%	39.7%	814.1	6.6%	59.7%	272.6
2008	1,403.8	3.0%	557.7	3.0%	39.7%	866.6	6.4%	61.7%	308.8
2009	1,445.9	3.0%	574.5	3.0%	39.7%	921.5	6.3%	63.7%	347.0
2010	1,489.2	3.0%	591.7	3.0%	39.7%	968.4	5.1%	65.0%	376.7

*1989-1997 AMTS ARE ACTUALS OR DOT ESTIMATES; USER FEES INCLUDE MOTOR FUEL TAXES, VEHICLE REGISTRATION, DRIVERS
LICENSE FEES, MOTOR CARRIER FEES AND OTHER MOTOR VEHICLE FEES.

**1989-1997 AMTS ARE BUDGETED; INCLUDES THOSE CATEGORIES OF LOCAL TRANSPORTATION AIDS & ASSISTANCE THAT ARE RELATED
TO MOTOR VEHICLE TRANSPORTATION & MASS TRANSIT.

DATA SOURCES: ANNUAL DOT FISCAL REPORTS, STATE BUDGETS, LFB SUMMARIES, LFB MEMO OF 2-6-97.

♦ General Transportation Aids

The Legislature should provide property tax relief to communities for transportation-related infrastructure improvements by increasing transportation aids to local governments to 65% of state user-fee revenues by 2010.

♦ 'Double Whammy' Taxation

Taxpayers shouldn't be taxed twice for a service they only receive once; the Legislature should revise the taxing relationship between counties and municipalities to prevent 'double whammy' taxation from occurring. (AB 262; SB 150)

♦ Duty Disability

Wisconsin needs a Duty Disability program that provides income protection for law enforcement officers and firefighters injured in the line of duty, encourages the permanently disabled to find new careers, protects their Wisconsin Retirement Fund pensions and protects taxpayers from misuse of a flawed system.

♦ Property Tax Exemptions

State government must work to ensure the local property tax base is not eroded further. The Legislature should solidify and codify the process of granting tax exemptions, and pass a bill providing tax-exempt status to retirement homes only if they are charitable in nature.

♦ Land Use

County planning and regional planning should be merged, with the new planning agencies responsible for developing land-use plans for undeveloped land within their boundaries, consistent with city zoning and extraterritorial plat review.

- ♦ Representation of communities should be based proportionately on population.
- ♦ Planning agencies should operate within minimum state guidelines, including requirements for a 20-year growth horizon that would be reviewed every 10 years.
- ♦ Units of government that choose to zone for urban growth must commit to providing all necessary infrastructure and urban services.
- ♦ Growth areas should be required to enter into intergovernmental agreements on taxes, municipal and school district boundaries, water and sewer services, infrastructure and transportation.

Finally, land use must be consistent with Wisconsin's high level of environmental protection.

Continued

♦ **911 Funding Initiative**

Local communities should have the ability under state law to fund 911-related costs through a surcharge on phone bills rather than the property tax. This funding could be utilized to cover all costs associated with the implementation, upgrade, and ongoing operation of a 911 system.

♦ **Retail Wheeling**


State and local officials should increase public awareness of the movement for electric utility deregulation and compare it with cable television deregulation. Critics should lobby state and federal legislators against changing the law, and regulators should ease rate regulation only if the industry becomes truly competitive.

♦ **Local Option Taxes**

- ♦ Local officials need additional tools to avoid property tax increases.
- ♦ If other obligations prevent the state from adequately funding municipal aid programs, the Legislature should grant local officials access to other tax options.
- ♦ In many cities, these options would offer the dual benefit of relieving pressure from the property tax and more fairly allocating the cost of municipal services among those who use them.

♦ **Shared Revenues, Expenditure Restraint, School Aids and Property Tax Credits**

State government should look at all state aid programs comprehensively:

- ♦ State officials should develop an index of fiscal stress and from that a model showing the effect on taxpayers if all state aids to local governments were eliminated.
 - ♦ Then the state should rewrite its state aid formulas to achieve tax-rate and tax-base equalization.
 - ♦ Since very few communities can afford to lose any non-property-tax revenue, the state should fund any changes to the 95% "hold harmless" provision.
- 

PUBLIC HEARING TESTIMONY BEFORE THE
JOINT COMMITTEE ON FINANCE 4/16/97 - MADISON WISCONSIN

Good morning Mr. Chairman, and members of the Committee. I am Michael Jackson. I am a member of the Wisconsin Southeast Association of County Veteran Service Officers (otherwise known as the South East Association). The member counties of this group include: Dane, Dodge, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha. I serve as Dane County Veteran Service Officer.

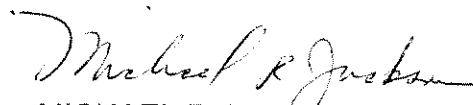
I am here, before you as representative of the Southeast Association, to offer brief testimony on the Wisconsin Department of Veterans Affairs 1997-99 biennium budget request. Although my message is brief, our resolve as veterans advocates is steadfast. In the main, the Southeast Association supports the Departments budget, we think that overall it is a good one, however with one exception -- the 50% reduction of the part-time study grant (PTSG). We do not support this aspect of their budget. In my opinion, the PTSG as it exists now is not a threat to a solvent Veterans Trust Fund.

At a time when educational expenses are certainly not decreasing it would not be helpful to veterans, nor their families, to reduce their benefits. You have

Page 2

probably heard CVSOs serve on the front line and we serve as the Departments' delivery system for their programs. Should this proposed reduction be approved, we would also be in the unenviable position to answer the veterans questions and those of their elected representatives as to why this benefit was reduced, and how did you Mr. or Ms. CVSO, also known as Veterans Advocate, let it happen. It is my hope these are questions none of us will have to address.

Thank you for the opportunity to speak to you on this issue, and I am prepared to answer questions should you have any.


MICHAEL R JACKSON

WISCONSIN LEAF TOBACCO DEALERS AND GROWERS ASSOCIATION

RESOLUTION

WHEREAS the Wisconsin Leaf Tobacco Dealers and Growers Association represents approximately 1500 tobacco farmers in the state of Wisconsin who earn their living and pay their bills with money earned from tobacco;

WHEREAS three Wisconsin farmers quit farming every day and very few agricultural products provide the return on investment, like tobacco;

WHEREAS census data shows nearly 40 percent of the state's farmers are 55 and older and the younger generation is not staying in family farming business because it is too difficult to try to make a living at it;

WHEREAS the decline of family farms in Wisconsin is affecting the economies of rural communities where farmers have been excellent customers for local schools, banks, stores and churches;

WHEREAS the 1994 economic impact of tobacco growers on Wisconsin's economy in terms of state and local taxes paid by core supplier sector firms and employees was \$219 million.

NOW THEREFORE BE IT RESOLVED: The Wisconsin Leaf Tobacco Dealers and Growers Association urge members of the Wisconsin Joint Finance Committee and Wisconsin Legislature to oppose new excise taxes on tobacco. This resolution adopted April 11, 1997.

Dennis Nicolai
Signed Onalaska Wis

4-11-97

Date

Arden Manske
Signed Chaseburg, WI

4-11-97

Date

Leslie Lersine
Signed Ferryville WI

4/11-97

Date

Robert Lee
Signed Coon Valley WI

4/11/97

Date

Henrich Savall
Signed Ashton Wis

4-11-97

Date

Alvin E. Christman
Signed Winona, Wis.

4-11-97

Date

P. Gene Anderson
Signed Viroqua, WI

4-11-97

Date

Clayton Berg
Signed Winona, WI.

4-11-97

Date

Orlow Johnson
Signed Deerfield

4/11/97

Date

David Olson
Signed Stoughton

4/11/97

Date

Delmy R. Rhinola
Signed Stoughton, WI

4-11-97
Date

Martin Oberdeck
Signed 7134 W. State St

Date

Robert Edgerton
Signed W4179 STH60
R10, WI, 53960

Date

Lyle Mae
Signed Stoughton

Date

Vernie S. Sarnon
Signed 6887 W. ST RD

Date

Wayne Fanning Co
Signed 8239 County F
Edgerton, WI

Date

Gander Youthful
Signed 832 4th St
Stoughton

Date

Robert L. Baum
Signed 436 E Church Rd
Cambridge, WI 53523

Date

A. Bruce Sander
Signed STOUTEN
8159

Date

Robert F Barty

Signed

Edgerton, WI

4-11-97

Date

George Nettum

Signed

Vernon, W. 54665

4-11-97

Date

Wally Chetel Edgerton WI

Signed

Date

Signed

Date

Signed

Date

Signed

Date

Signed

Date

Signed

Date

Signed

Date

Signed

Date